

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

-v-

THE PREMISES AND REAL PROPERTY WITH
BUILDINGS, APPURTENANCES, AND
IMPROVEMENTS AT 5061 ROCKHAVEN DRIVE,
CLARENCE, NEW YORK, THAT IS, ALL
THAT TRACT OR PARCEL OF LAND, SITUATED
IN THE TOWN OF CLARENCE, COUNTY
OF ERIE, STATE OF NEW YORK, AND MORE
PARTICULARLY DESCRIBED IN A CERTAIN
DEED RECORDED IN THE ERIE COUNTY
CLERK'S OFFICE IN BOOK 11401 OF DEEDS AT
PAGE 4853,

Defendant.

VERIFIED COMPLAINT FOR FORFEITURE

Plaintiff, United States of America, by its attorneys, Trini E. Ross, United States Attorney for the Western District of New York, and Mary Clare Kane, Assistant United States Attorney, brings this verified complaint for forfeiture *in rem* against the above-captioned property ("the Defendant Real Property") and alleges the following in accordance with Rule G(2) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions ("Supplemental Rule G").

THE PARTIES

1. The Plaintiff is the United States of America.

2. The Defendant Real Property commonly known as: the premises and real property with buildings, appurtenances, and improvements at 5061 Rockhaven Drive, Clarence, New York, that is, all that tract or parcel of land, situate in the Town of Clarence, County of Erie, State of New York, and more particularly described in a certain deed recorded in the Erie County Clerk's Office at Book 11401 of Deeds at Page 4853, further described in the attached Exhibit A, and hereinafter referred to as the "Defendant Real Property".

3. The Defendant Real Property has not been seized but is within the jurisdiction of the Court. The United States does not request authority from the Court to seize the Defendant Real Property at this time.

4. The United States of America will, in accordance with Title 18, United States Code, Section 985(c)(1), post notice of the complaint on the Defendant Real Property and serve notice on the property owner(s), along with a copy of the complaint for forfeiture. Title 18, United States Code, Sections 985(c)(1)(B) and (C).

BASIS FOR FORFEITURE

5. This action *in rem* is brought pursuant to Title 18, United States Code, Sections 981(a)(1)(A) and 985; Title 21, United States Code, Sections 881(a)(6) and (7); and

Supplemental Rule G.

6. The Defendant Real Property is subject to forfeiture pursuant to Title 21, United States Code, Section 881(a)(6) as proceeds traceable to violations of Title 21, United States Code, Sections 841, 846, and 856(a); Section 881(a)(6) provides for the forfeiture of: [a]ll moneys, negotiable instruments, securities, or other things of value furnished or intended to be furnished by any person in exchange for a controlled substance or listed chemical in violation of this title, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used or intended to be used to facilitate any violation of this title. Title 21, United States Code, Section 881(a)(6).

7. The Defendant Real Property is also subject to forfeiture pursuant to Title 21, United States Code, Section 881(a)(7), which provides for the forfeiture of: “[a]ll real property, including any right, title, and interest (including any leasehold interest) in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this subchapter punishable by more than one year’s imprisonment.” Title 21, United States Code, 881(a)(7).

8. The Defendant Real Property is further subject to forfeiture property involved in or traceable to property involved in, money laundering offenses in violation of Title 18, United States Code, Section 1957(a), pursuant to Title 18, United States Code, Section 981(a)(1)(A). Section 981(a)(1)(A) provides for the forfeiture of: “[a]ny property, real or

personal, involved in a transaction or attempted transaction in violation of section ...1957... of [Title 18], or any property traceable to such property.” Title 18, United States Code, Section 981(a)(1)(A).

9. The jurisdiction of this Court is invoked pursuant to Title 28, United States Code, Sections 1345, 1355, and 1395. Venue is properly premised in the Western District of New York pursuant to Title 28, United States Code, Section 1395.

FACTS

10. The facts and circumstances supporting the forfeiture of the Defendant Real Property are contained in the Affidavit of John M. Skonecki, Task Force Officer of the Drug Enforcement Administration, a copy of which is attached hereto as Exhibit 1 and incorporated as though fully set forth herein, and has been provided to the Court with an application that it remain under seal under further Order of the Court.

CONCLUSION AND REQUESTS FOR RELIEF

11. Based upon all of the facts contained in Exhibit 1 and the experience and training of law enforcement involved in the investigation, there is reasonable belief that the Defendant Real Property is subject to forfeiture to the United States of America pursuant to Title 21, United States Code, Section 881(a)(6), as proceeds traceable to violations of Title 21, United States Code, Sections 841, 846 and 856(a); and Title 21, United States Code, Section

881(a)(7), as real property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, violations of Title 21, United States Code, Sections 841, 846 and 856(a). In addition, the Defendant Real Property is subject to forfeiture pursuant to Title 18, United States Code, Sections 981(a)(1)(A), as any property, real or personal, involved in transactions or attempted transactions in violation of section 1957 [Title 18], or any property traceable to such property.

WHEREFORE, the United States of America respectfully requests that:

- (1) a Notice of Complaint for Forfeiture against Real Property be issued for the Defendant Real Property;
- (2) notice of this action be given to all persons known or thought to have an interest in or right against the Defendant Real Property;
- (3) a judgment be entered declaring the Defendant Real Property condemned and forfeited to the United States of America for disposition in accordance with the law;
- (4) the costs of this suit be paid to and recovered by the United States of America; and
- (5) the Court grant such other and further relief as deemed just and proper.

DATED: November 27, 2023 at Buffalo, New York.

TRINI E. ROSS
United States Attorney
Western District of New York

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STATE OF NEW YORK)
COUNTY OF ERIE) ss.:
CITY OF BUFFALO)

John M. Skonecki, being duly sworn, deposes and says:

I am a Task Force Officer of the Drug Special Enforcement Administration (DEA) in the Western District of New York. I am also assigned to the DEA's files on the investigation of the defendant property located at 5061 Rockhaven Drive, Clarence, New York. The matters alleged in the Verified Complaint for Forfeiture and the attached Exhibits are true to the best of my knowledge and belief, and were obtained during the course of the investigation of the defendant property from the official files of DEA and provided to the officials of the United States Department of Justice and United States Attorney's Office.

s/John M. Skonecki
Task Force Officer
Drug Enforcement Administration

Subscribed and sworn to
before me this 27th day of November, 2023.

s/Cheryl LoTempio
Notary Public, State of New York
Qualified in Erie County
Commission Expires 6/30/2026